

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.
MARK F. MARCHESE

CRIMINAL COMPLAINT

CASE NUMBER: 04-M00036-67c

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 19, 2004 in Middlesex County, in the District of Massachusetts defendant, (Check Statutory Language of Offense)

By force and violence and by intimidation, took from the person and presence of employees of Citizen's Bank, money belonging to and in the custody, control, management, and possession of Citizen's Bank, a federally insured financial institution, and did assault and put in jeopardy the lives of other persons by the use of a dangerous weapon and device, to wit, a gun, and did knowingly use and carry that gun during and in relation to a crime of violence, to wit, the intentional taking of money, from the person or presence of others, belonging to, and in the care, custody, management and possession of a federally insured bank, by means of force and violence and by intimidation,

in violation of Title 18, United States Code, Section(s) 2113(a) and (d) ;
in violation of Title 18, United States Code, Section(s) 924(c)

I further state that I am a(n) Special Agent, Federal Bureau of Investigation and that this complaint is based on the following facts:

Official Title

See Attached Affidavit

Continued on the attached sheet and made a part hereof:

Yes No



Signature of Complainant

Robert Rice
Special Agent, Federal Bureau of Investigation
United States Department of Justice

Sworn to before me and subscribed in my presence,

Date August 25, 2004 at Boston, Massachusetts
HON. Lawrence P. Cohen, United States Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Robert Rice, having been duly sworn, do hereby depose and say:

1. My name is Robert Rice and I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed for approximately six months. I am currently assigned to the Boston Division of the FBI at Boston, Massachusetts. I am currently assigned to the Boston Bank Robbery Task Force ("Task Force"), which is comprised of personnel of the FBI, the Massachusetts State Police and the Boston and Cambridge Police Departments.

2. In addition to my own training and experience, I have drawn from that of my fellow case agents, Special Agent Gary S. Cacace, who has been in the FBI for approximately thirteen years and has worked bank robbery investigations for approximately seven years; and Special Agent Geoffrey J. Kelly, who has been in the FBI for almost nine years and has worked bank robbery investigations for approximately three and one half years.

3. I am aware that Title 18 of the United States Code, Section 2113(a) makes it a crime for anyone to use force and violence, or intimidation, to take money belonging to or in the care, custody, control, management, possession of any federally insured bank. I am also aware that Title 18 of the United States Code, Section 2113(d) makes it a crime for anyone to assault any person, or put in jeopardy the life of any person by the use of a dangerous weapon or device while in violation of Title 18 of the United States Code, Section 2113(a). I am also aware that Title 18 of the United States Code, Section 924(c) makes it a crime for any person who, during and in relation to any crime of violence or drug trafficking crime for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm. Having so said, I make this affidavit in support of a criminal

complaint charging Mark F. Marchese with the armed robbery of the Citizen's Bank branch located at 876 Main Street in Malden, Massachusetts on Thursday, August 19, 2004 at approximately 3:15 p.m., as well as using a firearm during and in relation to that robbery.

4. Through investigation, I know that the deposits of Citizen's Bank are insured by the Federal Deposit Insurance Corporation ("FDIC").

5. The facts stated herein are based on my own personal involvement in this investigation, and my discussions with other law enforcement officers also involved in the investigation. In submitting this affidavit, however, I have not included each and every fact known to me about the investigation, but only those facts which I believe are sufficient to establish the requisite probable cause.

6. As part of the investigation of the robbery of Citizens Bank, 876 Main Street, Malden, Massachusetts ("the bank"), on August 19, 2004, Special Agents from the Task Force interviewed several victims and witnesses and learned the following:

a) A witness outside of the bank who, at a time just prior to the robbery, observed a black Jeep Wrangler (the "Jeep") parked in front of the entrance to the bank and noticed that the Jeep was parked so that the passenger side was facing the bank entrance. The witness then observed an unknown individual dressed in black clothing, wearing a black hood or mask exit the Jeep from the passenger side. The witness further observed what she believed to be a black, military style rifle in the individual's hand. The witness then observed a second unknown individual exit the Jeep from the passenger side. The second individual was also dressed in black clothing, and was also wearing a hood or mask. The witness believed the second individual was also carrying a black rifle. The witness observed the two individuals enter the bank, then

observed one of the two masked individuals running from the bank. The witness also observed a third unknown individual in the driver's seat of the Jeep. She described the driver as a white male with light to medium complexion, in his mid to late twenties, and with brown hair. Subsequent to this observation, the witness observed the Jeep exit the parking lot of the bank. The witness then provided bank employees and members of the Task Force with this description of what she observed, including a Massachusetts license plate registration number of "8443X," with a further character possibly being an "L," and which the witness observed as having been affixed to same Jeep.

b) A second witness who was also outside of the bank observed a black Jeep pull up to the bank and further observed two unidentified males, in dark clothing and masks, enter the bank. The witness observed that both men appeared to be armed with machine-gun style weapons. The second witness thereafter observed the Jeep leave the bank's parking area..

c) A third witness who was exiting the bank observed a black Jeep outside of the bank, and two unidentified males exiting the Jeep. The witness observed that both males were wearing masks and one was carrying a gun.

d) A fourth witness, who was then entering the bank, observed a black Jeep, being operated by a white male, pull up in front of the bank. While inside the bank, he observed a male carrying a large rifle, who yelled "get down, you won't get hurt."

e) A teller, who was working at station number one, observed two unidentified males enter the bank. She observed that one male was wearing what initially appeared to be some sort of mask and the second male was wearing sunglasses and a face mask. The males approached the teller and told her to "give us the large bills." The teller emptied her drawer onto

the counter and then ducked underneath the counter.

f) A second teller, who was working at station number three, observed two unidentified males enter the bank. She observed that the first male was white, wore a mask, and was carrying a gun and that the second male was white, wore sunglasses and a mask, and was carrying a bag. She observed that the males approached the teller, and that one pointed the gun at him/ her, and verbally demanded all of her large bills. The teller then emptied her drawer onto the counter.

g) A third teller, who was at station number four, observed two unidentified males of unknown race enter the bank. She observed that one male was wearing a mask and carrying a gun, and the other male was wearing sunglasses and a face mask. The males told her to give them all of her large bills, which she did.

h) A fourth teller, who was at station number six, observed two unidentified males of unknown race enter the bank and that both males were wearing black clothing. One male was wearing a mask and carrying a gun, while the other male wore sunglasses and a face mask, and carried a bag. This teller observed that the males approached her and ordered her to give them all of her large bills. She then emptied her drawer onto the counter.

i) A fifth teller, who was at station number five, observed two unidentified males enter the bank, one of whom was wearing a mask and carried a large gun, while the other wore sunglasses and a face mask. This teller observed that both males went to each teller and demanded large bills. One of the males then yelled at the tellers and pointed his gun at them. The second male yelled at the tellers and put the money in his bag. When the males got to the fifth teller, she gave them all of the money from her drawer and included a dye-pack in the money she

provided to the robbers.

j) Two witnesses, who were inside of the bank, observed two unidentified males armed with guns enter the bank. Both males were screaming "get down, you won't get hurt." Both witnesses then laid down on the floor.

k) Two other witnesses, who were also inside of the bank, heard someone shout "everyone stay fucking quiet and stay down!" They then heard the same individuals shout "give us all of your large bills." They then turned and observed two individuals wearing masks, one armed with what appeared to be a shotgun, and one armed with what appeared to be a handgun.

7. Subsequent to the robbery, an audit was conducted by Citizen's Bank (in accordance with its robbery response procedures) and revealed that twenty five thousand, six hundred and sixty four dollars, and sixty eight cents(\$25,664.68) was taken from the bank during the robbery.

8. An investigator from Citizens Bank provided police with a CD-ROM containing digital, video imagery from the bank surveillance cameras. The video imagery shows two unidentified males entering the bank at approximately 3:12 p.m. on August 19, 2004, and clearly shows one of the males carrying what appears to be an assault rifle and the other with a black duffel bag. Both males are dressed in black clothing and white sneakers. The video imagery shows that the males exited the bank at approximately 3:13 p.m. The video imagery then shows the Jeep leaving the parking lot at 3:13 p.m.

9. An additional witness who was driving on the Fellsway in Melrose, Massachusetts, called the Melrose Police Department at approximately 3:20 p.m. to report that he saw two unidentified males running from the Fellsview Terrace Condominiums, cross the street, and enter a wooded area. He observed that one of the males had a black duffel bag and that both males

appeared to have other items stuffed under their shirts and in their pants. The witness then waited for the arrival of responding police officers and showed responding officers where the males had entered the wooded area. The officers then conducted a brief search of the area nearby and located a black Jeep bearing Massachusetts license plates, "8443XI." The Jeep was located in the Fellsview Terrace parking lot. An initial investigation at the scene by officers revealed the following: the Jeep had previously been reported stolen, the two passenger side tires were flat, and two twenty dollar bills in the rear of the Jeep appeared to have red dye on them.

10. An additional witness who was then near Stoneham High School observed a black Hyundai parked nearby with an unidentified male in the driver's seat. He then observed two unidentified white males exiting the woods behind the high school and walking quickly towards the parked Hyundai. The first male was wearing white shorts but no shirt and appeared to be approximately six feet tall and appeared to weigh approximately one hundred and eighty-five to one hundred and ninety-five pounds. The male appeared to have had significant tattooing on his right shoulder and it appeared that his shorts were filled with something. As the first male exited the woods he waved at this witness. The second male was also wearing shorts that appeared to be filled with something and had his hands inside of his shorts. The second male appeared to be approximately five feet and nine inches tall and appeared to weigh approximately one hundred and sixty-five to one hundred and seventy-five pounds. This witness observed that paper money that appeared to be dyed red fell out of the second male's shorts onto the ground. The two males walked directly to the Hyundai that was parked nearby and entered it. The vehicle remained parked for approximately one to two minutes and then drove away. The witness followed the car onto Franklin Street and noticed a fourth male in the vehicle. Responding police officers arrived

on scene, executed a motor vehicle stop, and placed the four males into custody.

11. After placing the four suspects (later identified as Mark F. Marchese, a juvenile, Torossi Wagner, and Edson Da Silva Mendes) in custody, police officers found a substantial amount of money (one bag containing approximately \$4,764.00 and another bag containing approximately \$6,543.00) in the possession of the juvenile and which appeared to be damaged by the explosion of a dye pack. While placing Mark F. Marchese under arrest, officers noticed that his clothes were stained with red dye and further contained a substantial amount of money (approximately \$11,965.00) which was also stained with red dye.

12. Responding Police Officers subsequently searched areas in the vicinity of the Stoneham High School and recovered the following items of evidence: approximately twenty-six dollars recovered from a path behind Stoneham High School and one black duffel bag recovered from the woods behind Stoneham High School. An additional search of the nearby wooded area conducted on August 20, 2004, resulted in the recovery of the following: approximately thirty-one dollars, a pair of discarded sunglasses, a mask with the outlines of a skeleton on the front of it, a black and white face mask, a long sleeve black t-shirt, a long sleeve grey t-shirt, a black sweatshirt, black pants, and blue coveralls. Police officers also recovered a Norinco assault style firearm, Model SKSS, serial number 9211689. The firearm had one round in the chamber and had six rounds remaining in a twenty round magazine.

13. Subsequent to his/her arrest, the juvenile was advised of his/her Miranda rights, verbally waived those rights, and was then interviewed by members of the Task Force. The juvenile stated the following: prior to the bank robbery, Mark F. Marchese picked him/her up in a stolen motor vehicle. The two then met with an unidentified white male whom the juvenile

knew only as "Bo", and who he observed was driving a red station wagon. The juvenile described the station wagon as having a rounded back. They followed "Bo" to a shopping center located on Route 28 in Stoneham, Massachusetts. At the shopping center, the three individuals (Marchese, "Bo," and the juvenile) dropped off the red station wagon and changed clothing in preparation for the bank robbery. The juvenile described that after the robbery they planned to drive back to Stoneham and flee in the red station wagon. "Bo" got into the stolen Jeep along with the juvenile and Mark F. Marchese, and drove the Jeep during the robbery. The three of them drove to the aforementioned Citizen's Bank branch in Malden, Massachusetts, at which time - according to the statement of the juvenile - the juvenile and Mark F. Marchese exited the Jeep, donned masks, and entered the bank. Mark F. Marchese was armed with an assault rifle and the juvenile carried a black duffel bag to collect money from the tellers. The juvenile stated that, during the robbery, Mark F. Marchese had verbally demanded only large bills from the bank tellers, and ordered bank customers to get down on the ground. After the robbery they returned to the Jeep and fled the area in the Jeep. The juvenile stated that, while fleeing in the Jeep, the dye pack blew up in his/her face causing the car to fill up with smoke. "Bo" stopped the Jeep, grabbed the weapon used during the robbery, and fled on foot. The juvenile and Mark F. Marchese then grabbed the duffel bag containing the money from the robbery, along with remaining loose money, stuffed the loose money in their clothes, and fled on foot across the Fellsway. The juvenile and Mark F. Marchese fled into a wooded area near a JJ Grimsby's Restaurant. While fleeing through the woods they abandoned the black duffel bag, and exited the wooded area in back of Stoneham High School. According to the juvenile, upon exiting the woods, they walked up to two males getting into their car and asked them for a ride. The juvenile and Mark F. Marchese entered the

vehicle and were subsequently stopped and arrested by the police.

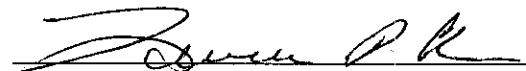
14. Based on the foregoing, I believe that probable cause exists to believe that on August 19, 2004, Mark F. Marchese, by force and violence, or by intimidation, took from the person and presence of employees of Citizen's Bank, money belonging to and in the custody, control, management, and possession of Citizen's Bank, a federally insured financial institution, and that in so doing, Mark F. Marchese did assault and put in jeopardy the lives of other persons by the use of a dangerous weapon and device, to wit, a gun, in violation of 18 United States Code, Sections 2113(a) and (d) and 924(c). I further believe that probable cause exists to believe that on August 19, 2004, Mark F. Marchese did knowingly use and carry that gun during and in relation to a crime of violence, to wit the intentional taking of money, from the person or presence of others, belonging to, and in the care, custody, management and possession of a federally insured bank, by means of force and violence and by intimidation.

I hereby certify that the foregoing is true and correct. Executed this 25th day of August, 2004.



ROBERT RICE, Special Agent
Federal Bureau of Investigation

Subscribed and Sworn to before me this 25th day of August, 2004.



Hon. Lawrence P. Cohen
UNITED STATES MAGISTRATE JUDGE